

**COMMONWEALTH OF MASSACHUSETTS
State Building Code (780 CMR) Appeals Board
Board's Ruling on Appeal¹**

Docket No. 08-632

Appellant(s): Antone Benevides

vz.

Appellee(s): City/Town of Fall River
Robert Rebello

Procedural History

This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant requested that the Board grant him a variance from 780 CMR 1010, for 229 Palmer Street, Fall River, MA. In accordance with GL c. 30A, §§10 & 11; GL c. 143, §100; 801 CMR 1.02 *et. seq.*; and 780 CMR 122.3.4, the Board convened a public hearing on September 23, 2008 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

The Appellant appeared for the hearing *pro se*. Robert Rebello and others were present as well as shown on the sign in sheet that is on file with the Department of Public Safety.

Discussion

A motion was made to continue for 60 days the Appellant's request for a variance from 780 CMR 1010, to allow him to work with the building official to generate an acceptable compliance alternative that does not subject the appellant to significant hardship. If this cannot be done then the appellant must come back once again to the Appeals Board. There was a second on the motion and a board vote was taken, which was unanimous.

Conclusion

The Appellant's request for a variance from 780 CMR 1010, is hereby continued and so ordered² on this date: September 23, 2008.



Douglas Sample



William Middlemiss



Alexander MacLeod

¹ This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108

² In accordance with M.G.L. c. 30A, §14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.